IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 2992 of 2007.

Omprakash @ Ublya Baburam
Patel & Anr. Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Ganesh Gole, Advocate for the applicant.

Ms S. D. Shinde, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 23RD OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicants and learned APP for the State.

2. Perused the application and material available on record.

3. The applicants are seeking bail under Section 439 of the Cr.P.C. in C.R.No. I-109 of 2007 registered under Sections 376 (g), 363, 323, 506 (2) read with Section 34 of the I.P.C. in Bhiwandi Shahar Police Station.

4. Learned counsel for the applicants is seeking bail on parity ground since one of the co-accused Kishor Ramkisan Shinde has already been enlarged on bail by the order of learned Sessions Judge, Thane in Criminal Bail Application No. 791 of 2007. The role of the

present applicants is almost similar to that of the role of the co-accused Kishor Ramkisan Shinde.

5. Learned A.P.P. submits that if the applicants are released on bail, possibility of committing criminal offence by them cannot be ruled out. He, thus, submits that no bail should be granted to the present applicants.

6. Having heard both parties, no useful purpose would be served by detaining the applicants in custody till the trial is over. However, while releasing him on bail, certain stringent conditions will serve ends of justice.

7. In the above view of the matter, I am of the considered view that on following terms and conditions the applicants can be released on bail:-

a] The applicants Omprakash @ Ublya Baburam Patel and Prashant Prakash Gavli arrested in connection with C.R.No.I-109 of 2007 registered with Police Station, under Sections 376 (2) (g), 363, 323, 506, read with section 34 of the I.P.C. shall be enlarged on bail subject to furnishing a personal bond of Rs.

15,000/-each with one or two local solvent sureties each in the like amount.

b] The applicants shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

c] The order of bail will be given effect only after the applicants furnish to the Investigating Officer the details about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d] The applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e] The applicants shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be

a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

g] Breach of any of the above conditions may result in cancellation of this order.

8. Application is disposed of in above terms.

(V.C. DAGA,J.)